

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

JARREL LEE JOHNSON,

Petitioner,

v.

UNNAMED RESPONDENT,

Respondent.

Case No. 2:22-cv-01466-CDS-BNW

DISMISSAL ORDER

Petitioner Jarrell Lee Johnson has filed a Petition for Writ of Habeas Corpus (ECF No. 1-1 (“Petition”)) pursuant to 28 U.S.C. § 2241. On an initial review, the Court found jurisdiction potentially lacking. ECF No. 4. As such, the Court ordered Johnson to show cause why this action should not be dismissed. *Id.* Johnson timely filed a response. ECF No. 5.

Federal district courts may grant a writ of habeas corpus when a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). Section 2241 provides, in relevant part, “Writs of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions.” 28 U.S.C. § 2241(a). The United States Supreme Court has explained that the phrase “within their respective jurisdictions” in § 2241 “require[s] the presence of the prisoner within the territorial jurisdiction of the District Court as a prerequisite to his filing of application for habeas corpus.” *United States v. Hayman*, 342 U.S. 205, 220 (1952). The Ninth Circuit has further explained, when a petitioner and his custodian are “within the territorial jurisdiction of the district court at the time the petition for writ of habeas corpus [is] filed, the district court [has] jurisdiction to determine the merits of the litigation.” *Smith v. Campbell*, 450 F.2d 829, 834 (9th Cir. 1971).

In his Petition, Johnson stated that he is currently detained at the Marlboro County Detention Center in Bennettsville, South Carolina and has been since at least August 23, 2022, when he appeared for a bench trial. ECF No. 1-1 at 1. In his response to the order to show cause,

1 regarding his relation to Nevada, Johnson stated that he "ha[s] relations to [his] point" in Las
2 Vegas. Because neither Johnson nor his unnamed custodian were in the District of Nevada on
3 the date the Petition was filed, September 6, 2022, jurisdiction is lacking. As such, this action is
4 dismissed for a lack of jurisdiction.

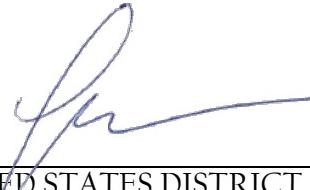
5 IT IS THEREFORE ORDERED that the clerk of the court file the petition for a writ of
6 habeas corpus (ECF No. 1-1).

7 IT IS FURTHER ORDERED that that the clerk add Aaron Ford, Attorney General for
8 the State of Nevada, as counsel for respondents and provide copies of this order and all prior
9 filings to the Attorney General in a manner consistent with the clerk's current practice, such as
10 regeneration of notices of electronic filing. No response by the Attorney General is necessary.

11 IT IS FURTHER ORDERED that the petition for a writ of habeas corpus (ECF No. 1-1) is
12 dismissed for a lack of jurisdiction. Because reasonable jurists would not find the Court's
13 determination to be debatable or wrong, the Court will not issue a certificate of appealability.

14 IT IS FURTHER ORDERED that the clerk of the court is directed to enter judgment
15 accordingly and to close this action.

16 DATED: September 28, 2022.
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UNITED STATES DISTRICT JUDGE